

**In the United States Patent and Trademark Office**

Serial Number:	10/760248		
Application. Filed:	January 21, 2004		
Applicant:	Kia Silverbrook		
Application Title:	Inkjet printer cartridge with integral shield		
Examiner/GAU:	Laura E Martin	2853	
	Dated	August 28, 2007	
	At:	Balmain, NSW	
	Docket No.	RRA15US	

**PETITION TO WITHDRAW ABANDONMENT  
(UNDER 37 CFR 1.181(a))**

Commissioner for Patents  
Washington, District of Columbia 20231

Dear Sir:

The Applicant noted, upon checking PAIR on August 21, 2007, that an Advisory Action was mailed on March 3, 2007 but was returned to the USPTO (copies enclosed) due to insufficient postage. As a result, the Applicant did not receive the Advisory Action in good time to be able to respond to it. The six months deadline past the Final Office Action was **July 12, 2007**.

The Applicant encloses:

- A copy of the Advisory Action.
- A copy of the returned enveloped that contained the Advisory Action, showing a stamp saying "Short Paid".
- A copy of the document description downloaded from PAIR.
- A Request for Continued Examination, in reply to the Advisory Action.

The Applicant submits that had the Advisory Action been received before the deadline of **July 12, 2007**, every endeavour would have been taken to respond to the Advisory Action in good time before that date.

No Notice of Abandonment has yet been issued. However, the Applicant would be grateful if he were not to incur any further delays with the prosecution of this application. The Applicant therefore petitions the commissioner to **WITHDRAW HOLDING OF ABANDONMENT** on this application.

Very respectfully,

Applicant:



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Kia Silverbrook

C/o:

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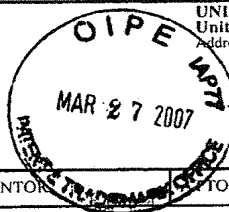
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,248	01/21/2004	Kia Silverbrook	RRA15US	1575

24011 7590 03/20/2007  
SILVERBROOK RESEARCH PTY LTD  
393 DARLING STREET  
BALMAIN, 2041  
AUSTRALIA

EXAMINER

MARTIN, LAURA E

ART UNIT PAPER NUMBER

2853

MAIL DATE DELIVERY MODE

03/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/760,248

Applicant(s)

SILVERBROOK, KIA

Examiner

Laura E. Martin

Art Unit

2853

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 05 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_

  
**MANISH S. SHAH  
PRIMARY EXAMINER**

Continuation of 3. NOTE: The amended claims require further searching and consideration.

*MS*  
3/16/07  
MANISH S. SHAH  
PRIMARY EXAMINER

162800

Organization

Edg./Room

Jeff

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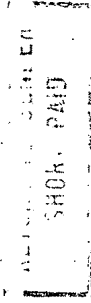
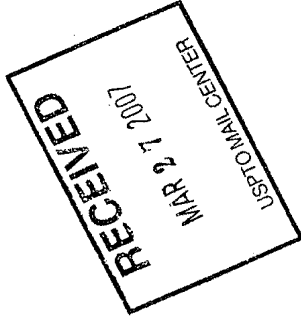
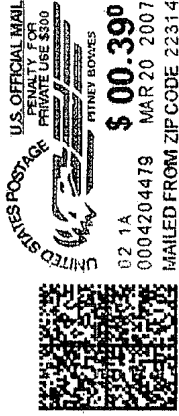
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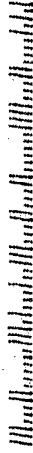
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00154/0001



10/760,248 Inkjet printer cartridge with integral shield

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### Available Documents

	Document Description	Document Category	Page Count
03-27-2007	Mail returned to USPTO as undelivered	PROSECUTION	4
03-20-2007	Advisory Action (PTOL-303)	PROSECUTION	3
03-20-2007	Amendment After Final or under 37CFR 1.312, initialed by the examiner.	PROSECUTION	1
03-15-2007	Fee Worksheet (PTO-06)	PROSECUTION	1
03-15-2007	Index of Claims	PROSECUTION	1
03-05-2007	Amendment After Final	PROSECUTION	2
03-05-2007	Claims	PROSECUTION	1
03-05-2007	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
01-12-2007	Final Rejection	PROSECUTION	8
01-12-2007	List of references cited by examiner	PRIOR ART	1
01-12-2007	Search information including classification, databases and other search related notes	PROSECUTION	1
01-03-2007	Examiner's search strategy and results	PROSECUTION	14
11-20-2006	Amendment - After Non-Final Rejection	PROSECUTION	2
11-20-2006	Claims	PROSECUTION	1
11-20-2006	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
11-20-2006	Fee Worksheet (PTO-06)	PROSECUTION	1
09-07-2006	Non-Final Rejection	PROSECUTION	6
09-07-2006	Search information including classification, databases and other search related notes	PROSECUTION	1
09-07-2006	Index of Claims	PROSECUTION	1
08-17-2006	Examiner's search strategy and results	PROSECUTION	12
08-10-2006	Fee Worksheet (PTO-06)	PROSECUTION	1
08-10-2006	Amendment After Final or under 37CFR 1.312, initialed by the examiner.	PROSECUTION	1
07-31-2006	Request for Continued Examination (RCE)	PROSECUTION	2
07-07-2006	Advisory Action (PTOL-303)	PROSECUTION	3
07-07-2006	Amendment Submitted/Entered with Filing of CPA/RCE	PROSECUTION	1
06-29-2006	Fee Worksheet (PTO-06)	PROSECUTION	1
06-23-2006	Amendment After Final	PROSECUTION	3
06-23-2006	Claims	PROSECUTION	1
06-23-2006	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
05-08-2006	Final Rejection	PROSECUTION	6
05-08-2006	List of references cited by examiner	PRIOR ART	1
05-08-2006	Index of Claims	PROSECUTION	1
05-08-2006	Search information including classification, databases and other search related notes	PROSECUTION	1
04-24-2006	Examiner's search strategy and results	PROSECUTION	10
02-09-2006	Fee Worksheet (PTO-06)	PROSECUTION	1
02-02-2006	Amendment - After Non-Final Rejection	PROSECUTION	3
02-02-2006	Claims	PROSECUTION	1
02-02-2006	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	3
12-23-2005	Non-Final Rejection	PROSECUTION	5
12-23-2005	List of References cited by applicant and considered by examiner	PRIOR ART	1
12-23-2005	List of references cited by examiner	PRIOR ART	1
12-23-2005	Bibliographic Data Sheet	PROSECUTION	1
12-23-2005	Index of Claims	PROSECUTION	1
12-23-2005	Search information including classification, databases and other search related notes	PROSECUTION	1

11-18-2005	Examiner's search strategy and results	PROSECUTION	6
07-19-2005	Fee Worksheet (PTO-06)	PROSECUTION	1
07-19-2005	Index of Claims	PROSECUTION	1
07-11-2005	Preliminary Amendment	PROSECUTION	2
07-11-2005	Specification	PROSECUTION	5
07-11-2005	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
07-11-2005	Drawings	PROSECUTION	36
11-08-2004	Information Disclosure Statement (IDS) Filed	PROSECUTION	2
11-08-2004	Foreign Reference	PRIOR ART	42
05-11-2004	Index of Claims	PROSECUTION	1
01-21-2004	Transmittal of New Application	PROSECUTION	8
01-21-2004	Specification	PROSECUTION	28
01-21-2004	Claims	PROSECUTION	1
01-21-2004	Abstract	PROSECUTION	1
01-21-2004	Drawings	PROSECUTION	36
01-21-2004	Oath or Declaration filed	PROSECUTION	2
01-21-2004	Fee Worksheet (PTO-06)	PROSECUTION	1
01-21-2004	Fee Worksheet (PTO-06)	PROSECUTION	1

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